

EXHIBIT A

COPY

SUMMONS

(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: ROSA M. DE LA LUZ; FIRST BANK dba FIRST
(**AVISO AL DEMANDADO:**) BANK MORTGAGE; FERNANDO DE LA LUZ;
FIRST NATIONWIDE MORTGAGE CORPORATION; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS, INC.(MERS); COMMONWEALTH
LAND TITLE COMPANY; EXECUTIVE TRUSTEE SERVICES, INC.; INTERNAL
REVENUE SERVICE; DANIEL BRADFORD; VERIZON CALIFORNIA, INC.,
successor in interest to General Telephone; SOUTHERN CALIFORNIA EDISON
COMPANY; DOES ONE to TWENTY, Inclusive.

YOU ARE BEING SUED BY PLAINTIFF: THE PEOPLE OF THE STATE
(**LO ESTÁ DEMANDANDO EL DEMANDANTE:**) OF CALIFORNIA,
acting by and through the Department of
Transportation,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFIRMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

MAR 27 2012

John A. Clarke, Executive Officer/Clerk

PORTER

DEPU

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

AVISO: Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

SUPERIOR COURT OF LOS ANGELES
South District
415 W. Ocean Blvd.
Long Beach, CA 90802

CASE NUMBER:
(Número del Caso):

NC057355

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Alexander Prieto, SBN 260901

213-687-6000 213-687-8300

BEALS, HARREL, QUAN, MONTOYA, BRAHAM, DADAIAN

100 South Main Street, Suite 1300

Los Angeles, CA 90012

DATE: MAR 27 2012

(Fecha) John A. Clarke

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.60 (minor)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.70 (conservatee)

☐ CCP 416.40 (association or partnership)

☐ CCP 416.90 (authorized person)

☐ other (specify):

4. ☐ by personal delivery on (date):

[SEAL]

1 THE PEOPLE OF THE STATE OF CALIFORNIA to the above-named defendants:

2 A civil complaint, in a special proceeding, has been filed by the plaintiff against you.
3 Said proceeding is brought to acquire real property or interests in real property for public use,
4 namely, for State highway purposes.

5 The real property or interests in real property sought to be acquired are within the City
6 of Norwalk, County of Los Angeles, State of California, and generally described as that
7 portions of Lot 38, Tract No. 18621, as per map recorded in Book 477, pages 19 and 20, of
8 maps, in the office of the County Recorder of said county. Reference is made to the
9 complaint herein for a specific description of the parcel sought to be acquired.

10 YOU ARE HEREBY NOTIFIED TO APPEAR and show cause, if you have any, why
11 said property should not be condemned as prayed for in the complaint on file in the above-
12 entitled proceeding, and UNLESS YOU SO FILE A WRITTEN RESPONSIVE PLEADING
13 AS ABOVE REQUIRED, YOUR DEFAULT WILL BE ENTERED UPON APPLICATION
14 OF THE PLAINTIFF AND THIS COURT MAY ENTER A JUDGMENT AGAINST YOU
15 FOR THE RELIEF DEMANDED IN THE COMPLAINT WHICH COULD RESULT IN
16 TAKING OF PROPERTY OR OTHER RELIEF REQUESTED IN THE COMPLAINT.

COPY

CONFIRMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court
MAR 27 2012
John A. Clarke, Executive Officer/Clerk
PORTER DEPU

1 RONALD W. BEALS, Chief Counsel
2 LINDA COHEN HARREL, Deputy Chief Counsel
3 CAROL QUAN, Assistant Chief Counsel
4 JERALD M. MONTOYA, Assistant Chief Counsel
5 LISA A. BRAHAM, Assistant Chief Counsel
6 STEVEN J. DADAIAN, Assistant Chief Counsel
7 100 South Main Street, Suite 1300
8 Los Angeles, California 90012-3702
9 Telephone: (213) 687-6000
10 Facsimile: (213) 687-8300
11
12 ALEXANDER PRIETO, Deputy Attorney, Bar Number 260901
13 Attorneys for Plaintiff

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES

12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA, acting by and through the
14 Department of Transportation,

15 Plaintiff,

16 -vs-

17 ROSA M. DE LA LUZ; FIRST BANK dba
18 FIRST BANK MORTGAGE; FERNANDO
19 DE LA LUZ; FIRST NATIONWIDE
20 MORTGAGE CORPORATION;
21 MORTGAGE ELECTRONIC
22 REGISTRATION SYSTEMS, INC. (MERS);
23 COMMONWEALTH LAND TITLE
24 COMPANY; EXECUTIVE TRUSTEE
25 SERVICES, INC.; INTERNAL REVENUE
26 SERVICE; DANIEL BRADFORD;
27 VERIZON CALIFORNIA, INC., successor in
28 interest to General Telephone; SOUTHERN
CALIFORNIA EDISON COMPANY; DOE
ONE to DOE TWENTY, Inclusive,

Defendants.

NO. _____

NC057355

Parcels: 77657-1, 77657-2, 77657-3,
77657-01-01

COMPLAINT IN EMINENT DOMAIN
(Code Civ. Proc. § 1250.310)

CASE MANAGEMENT REVIEW

AUG 24 2012

IN DEPARTMENT H

EXEMPT PER GOVT. CODE 6103

1 Plaintiff, The People of The State of California, acting by and through the Department
2 of Transportation alleges that:

3 1. The Department of Transportation (the "Department") is, and at all times
4 herein mentioned has been, the duly authorized body in charge of state highways and is by
5 law vested with authority to exercise in the name of the People of the State of California the
6 power of eminent domain for the purpose of acquiring property for state highway purposes, a
7 public use.

8 2. After notice pursuant to **Code of Civil Procedure** section 1245.235, at a
9 meeting of the California Transportation Commission (the "Commission") duly and regularly
10 convened at Sacramento, California, on January 25, 2012, the Commission, pursuant to **Code**
11 **of Civil Procedure** sections 1245.210 through 1245.270, duly and regularly passed and
12 adopted Resolution of Necessity No. C-77657, declaring that certain real property or an
13 interest therein is necessary for state highway purposes and is to be acquired by plaintiff
14 pursuant to **Streets and Highways Code** section 102, and that plaintiff is authorized to
15 acquire that property in fee simple absolute unless a lesser estate is described herein for a
16 proposed project for state highway purposes in connection with state highway 07-LA-5-PM
17 5.5. The Commission has found and determined and in its resolution declared:

18 (a) The public interest and necessity require the project.

19 (b) The project is planned or located in the manner that will be most
20 compatible with the greatest public good and the least private injury.

21 (c) The property sought to be acquired is necessary for the project.

22 (d) The offer required by section 7267.2 of the **Government Code** has been
23 made to the owner or owners of record.

24 3. The real property or interests in real property which the Department of
25 Transportation is authorized to acquire by this resolution is situated in the County of Los
26 Angeles, State of California, and is described as follows:

27 ///

28 ///

1 RESOLUTION OF NECESSITY DESCRIPTION

2 Parcel 77657-1

3 For freeway purposes that portion of Lot 38 of Tract No. 18621, in the City of Norwalk,
4 County of Los Angeles, State of California, shown on map recorded in Book 477, page(s) 19 and
5 20 inclusive, of Maps, in the Office of the Registrar-Recorder/ County Clerk of said
6 county, lying easterly of a line herein referred to as "Line A" lying westerly 24.00 feet of the
7 following described line:

8 COMMENCING at the centerline intersection of Jersey Avenue being 60.00 feet wide
9 with the southerly line of Dune Street being 42.00 feet wide as shown on Tract Map No.
10 18621, as recorded in Book 477, pages 19 to 21 inclusive in the office of the County
11 Recorder of said county; Thence along the centerline of Jersey Avenue, N.00°01'43"W.,
12 12.00 feet to the centerline of Dune Street now 60.00 feet wide; Thence S.89°55'07"E.
13 along said centerline a distance of 769.70 feet to the BEGINNING OF DESCRIBED
14 LINE; Thence N. 30°24'15"W., 2,064.31 feet to a point on the centerline of Thomas
15 Court (formerly known as Esther Place) being 50.00 feet wide on Tract No. 25090, as
16 shown on map recorded in Book 765, page(s) 68 and 69 of Maps, in the Office of the
17 County Recorder of said county, said point being Easterly 57.11 feet from the centerline
18 intersection of Thomas Court, and Dollison Drive having a bearing of N.00°03'54"W. as
19 shown on said Tract No. 25090, and END OF DESCRIBED LINE.

20 Lands abutting said freeway shall have no right or easement of access thereto; provided,
21 however, that part of the remaining lands of said parcel shall abut upon and have access
22 to an adjoining frontage road which will be connected to the main thoroughfare of the
23 freeway only at such points as may be established by public authority.

1 Parcel 77657-2

2 For freeway purposes, an aerial-utility easement over that portion of Lot 38 of Tract No.
3 18621, in the City of Norwalk, County of Los Angeles, State of California, shown on map
4 recorded in Book 477, page(s) 19 and 20 inclusive, of Maps, in the Office of the Registrar-
5 Recorder/ County Clerk of said county, described as follows:

6 A 1.50 foot wide strip of land, the easterly line of said strip being coincident with said "Line A"
7 as described above in Parcel 77657-1.

8
9 Parcel 77657-3

10 For freeway purposes, a temporary construction easement over that portion of Lot 38 of
11 Tract No. 18621, in the City of Norwalk, County of Los Angeles, State of California, shown on
12 map recorded in Book 477, page(s) 19 and 20 inclusive, of Maps, in the Office of the
13 Registrar-Recorder/ County Clerk of said county, described as follows:

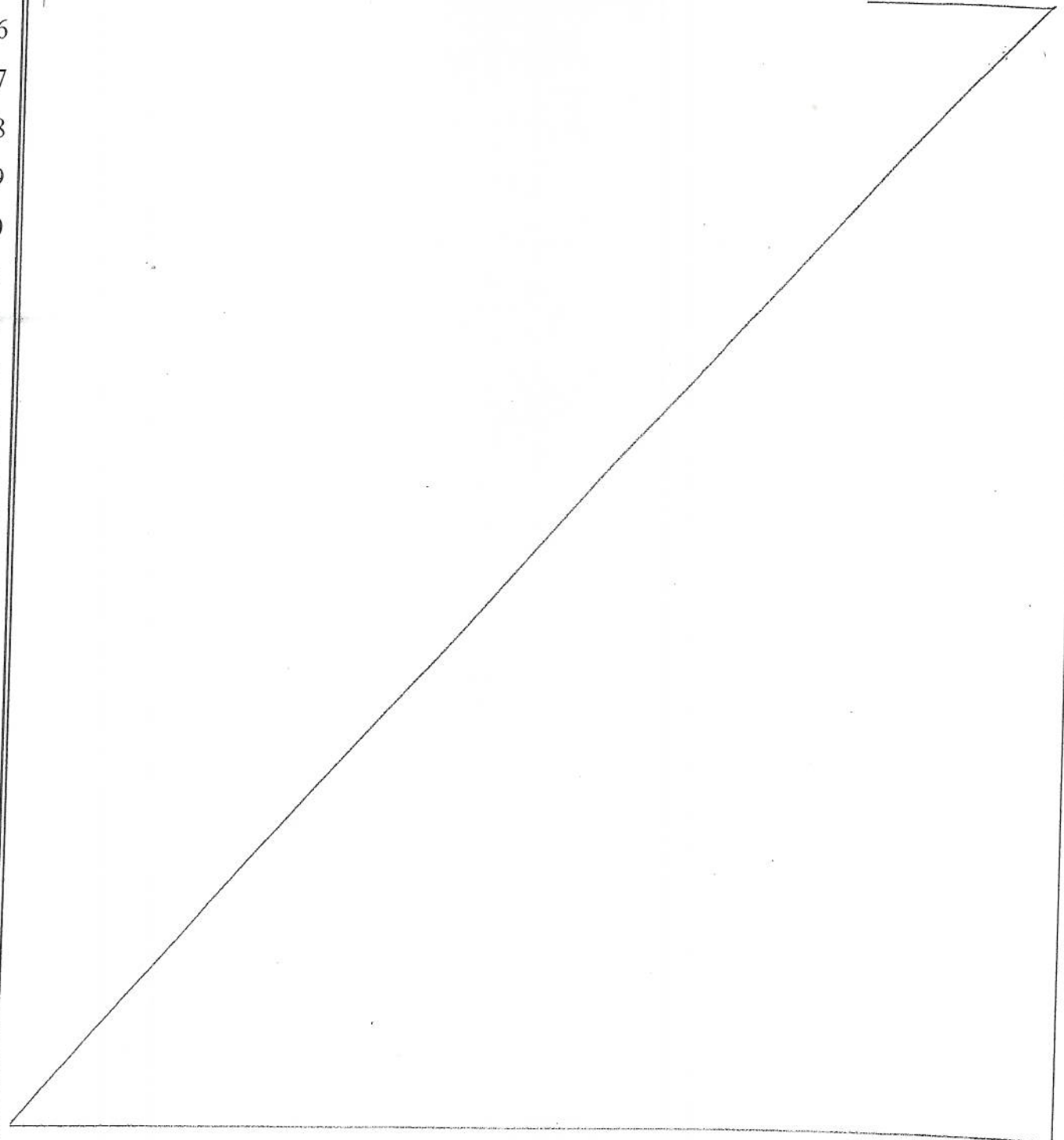
14 A 5.00 foot wide strip of land, the easterly line of said strip being coincident with said "Line A"
15 as described above in Parcel 77657-1.

16
17 The above-described parcel of land is to be used for temporary construction purposes
18 and with the purpose of removing existing improvements in connection with the
19 construction of a Route 05 freeway project designated 07-LA-05-PM 5.50 on maps in the
20 office of the Department of Transportation, State of California at Los Angeles, California
21 and the rights to be acquired therein shall cease and terminate not later than December 1,
22 2014.

23 The bearings of distances in the herein above described lines are on the California
24 Coordinate System of 1983, Zone 5. Divide by a combination factor of 1.00000247 to
25 obtain ground level distances.
26
27
28

Parcel 77657-01-01

As excess that portion of Lot 38 of Tract No. 18621, in the City of Norwalk, County of Los Angeles, State of California, shown on map recorded in Book 477, page(s) 19 and 20 inclusive, of Maps, in the Office of the Registrar-Recorder/ County Clerk of said county, lying westerly of that line referred to as "Line A" as described above in Parcel 77657-1.



1 4. Maps portraying the property described in the complaint and showing its
2 location in relation to the project for which it is to be acquired are attached, marked Exhibits
3 "A" and "B", and by this reference made a part of this complaint.

4 5. All of the above-described property lying within the boundaries of streets,
5 highways, or other public easements is subject to an easement or prescriptive right of the
6 public for use for that purpose.

7 6. Each defendant named in this paragraph appears of record or is known by
8 plaintiff to have or claim an interest in the property described. For the convenience of the
9 court and parties, and not as allegations to which plaintiff intends to be bound, plaintiff has
10 set out opposite each named defendant a statement of the respective interest of that defendant
11 in the described parcel(s):

12 PARCEL NOS. 77657-1, 77657-2, 77657-3, 77657-01-01:

13 Rosa M. De La Luz

Owner
Grant Deed
Recorded November 15, 1999
Instrument No. 2123820
And

17 Trustor
18 Deed of Trust
19 Recorded November 15, 1999
Instrument No. 99-2123821
And

21 Trustor
22 Deed of Trust and Assignment of Rents
23 Recorded June 20, 2005
Instrument No. 05-1435078

24 First Bank dba First Bank Mortgage

Owner
Trustee's Deed Upon Sale
Recorded July 12, 2011
Instrument No. 20110935749

28 ///

1 Fernando De La Luz

Trustor
Deed of Trust
Recorded November 15, 1999
Instrument No. 99-2123821
And

8
9 First Nationwide Mortgage Corporation

Trustor
Deed of Trust and Assignment of Rents
Recorded June 20, 2005
Instrument No. 05-1435078

Beneficiary
Assignment of Deed of Trust
Recorded March 20, 2000
Instrument No. 00-0414074

12 Mortgage Electronic Registration Systems, Inc. (MERS)

Beneficiary
Deed of Trust and Assignment of Rents
Recorded June 20, 2005
Instrument No. 05-1435078

16 Commonwealth Land Title Company

Trustee
Deed of Trust
Recorded November 15, 1999
Instrument No. 99-2123821

20 Executive Trustee Services, Inc.

Trustee
Deed of Trust and Assignment of Rents
Recorded June 20, 2005
Instrument No. 05-1435078

23 Internal Revenue Service

Lien Holder
Notice of Federal Tax Lien
Recorded April 23, 2008
Instrument No. 20080712351
And

27 Notice of Federal Tax Lien
Recorded August 24, 2010
Instrument No. 20101175118

1 Daniel Bradford

Debtor

Notice of Federal Tax Lien

Recorded April 23, 2008

Instrument No. 20080712351

And

Notice of Federal Tax Lien

Recorded August 24, 2010

Instrument No. 20101175118

8 Verizon California, Inc., successor in interest to
9 General Telephone

Easement Holder

Right of Way (Individual)

Recorded August 12, 1953

In Book 42445, Page 370

11 Southern California Edison Company

Easement Holder

Grant of Easement

Recorded August 12, 1953

In Book 42445, Page 370

15 7. Defendants DOE ONE through DOE TWENTY, inclusive, have, or claim to
16 have, an interest in the described parcel(s), the exact nature of which is unknown to plaintiff.
17 The true names or capacities, whether individual, corporate, associate, or otherwise of
18 defendants DOE ONE through DOE TWENTY are unknown to plaintiff, who therefore sues
19 these defendants by these fictitious names and will ask leave to amend this complaint to
20 show their true names and capacities and state of incorporation when they have been
21 ascertained.

22 8. The interest of defendant United States of America is a tax lien arising under
23 the Internal Revenue laws. The liability of DANIEL BRADFORD of 11835 Dollison Drive,
24 Norwalk, California 90650, created the tax lien. The Office of the Internal Revenue Service
25 filed a notice of tax lien on April 23, 2008, in the Office of the County Recorder of Los
26 Angeles County, California. The United States of America is joined in this proceeding as a
27 party defendant in accordance with section 201 of the Federal Tax Lien Act of 1966, Title
28 28, **United States Code**, section 2410 (a) and (b).

1 9. The interest of defendant United States of America is a tax lien arising under
2 the Internal Revenue laws. The liability of DANIEL BRADFORD of 11835 Dollison Drive,
3 Norwalk, California 90650, created the tax lien. The Office of the Internal Revenue Service
4 filed a notice of tax lien on August 24, 2010, in the Office of the County Recorder of Los
5 Angeles County, California. The United States of America is joined in this proceeding as a
6 party defendant in accordance with section 201 of the Federal Tax Lien Act of 1966, Title
7 28, **United States Code**, section 2410 (a) and (b).

8
9 WHEREFORE, plaintiff prays judgment that:

10 (1) The described property be condemned to plaintiff's use in fee simple
11 absolute unless a lesser estate is described herein for the purposes set forth in the resolution
12 of necessity;

13 (2) The compensation be ascertained and assessed and the amount of the
14 award for the described property be first determined between plaintiff and all defendants
15 claiming any interest therein;

16 (3) All liens and encumbrances against the described property be deducted
17 from the judgment; and

18 (4) The court allow such other and further relief as may be deemed proper.
19

20 DATED: March 26, 2012

21 RONALD W. BEALS, LINDA COHEN HARREL,
22 CAROL QUAN, JERALD M. MONTOYA,
23 LISA A. BRAHAM, STEVEN J. DADAIAN

24 By


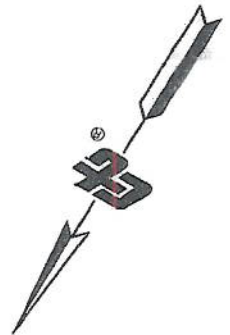
25 
26 Alexander Prieto
27 Attorneys for Plaintiff
28

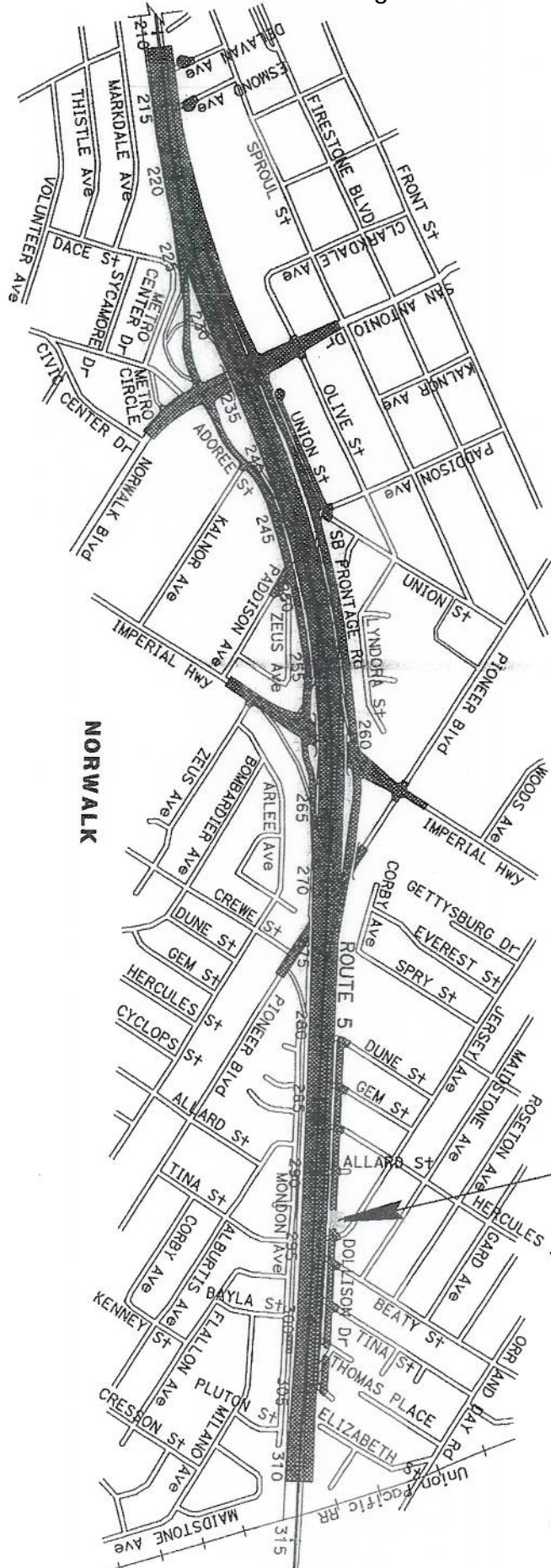
EXHIBIT A

CITY OF NORWALK COUNTY OF LOS ANGELES



NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

**SUBJECT PARCEL
PARCEL 77657**



NORWALK

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
**RIGHT OF WAY
RESOLUTION OF NECESSITY
EXHIBIT A**

NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
7	LA	5	5.50		

EXHIBIT B

EXHIBIT B

TRANSPORTATION COMMISSION
RESOLUTION NO.

C-20697

CTC

JAN 25 2012

CALIFORNIA
TRANSPORTATION COMMISSION

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
HIGHWAY 07-LA-5-PM 5.5 PARCEL 77657-1, 2, 3, 01-01
OWNER: First Bank D/B/A First Bank Mortgage, et al.

Resolved by the California Transportation Commission after
notice (and hearing) pursuant to Code of Civil Procedure Section
1245.235 that it finds and determines and hereby declares that:

The hereinafter described real property is necessary for State
Highway purposes and is to be acquired by eminent domain pursuant
to Streets and Highways Code Section 102; Code of Civil Procedure
Section 1240.320 in that a portion of the property is being
acquired for conveyance to Southern California Edison for aerial
utility purposes; and Code of Civil Procedure Section 1240.410 in
that the property being acquired includes a remnant that would be
of little market value;

The public interest and necessity require the proposed public
project, namely a State highway;

The proposed project is planned and located in the manner that
will be most compatible with the greatest public good and the least
private injury;

The property sought to be acquired and described by this
resolution is necessary for the public project;

APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED


Attorney, Department of Transportation

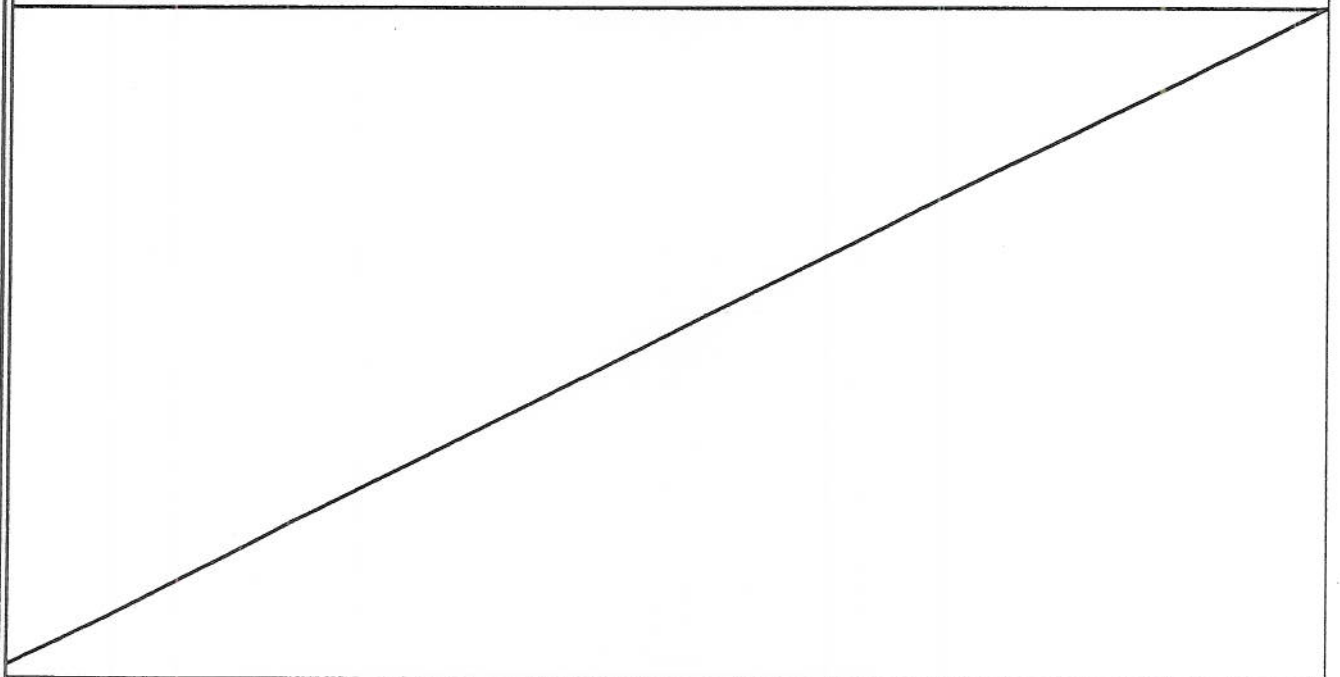

DIVISION OF RIGHT OF WAY

1 The offer required by Section 7267.2 of the Government Code
2 has been made to the owners of record; and be it further

3 RESOLVED by this Commission that the Department of
4 Transportation be and said Department is hereby authorized and
5 empowered;

6 To acquire, in the name of the People of the State of
7 California, in fee simple absolute, unless a lesser estate is
8 hereinafter expressly described, the said hereinafter described
9 real property, or interests in real property, by condemnation
10 proceeding or proceedings in accordance with the provisions of the
11 Streets and Highways Code, Code of Civil Procedure and of the
12 Constitution of California relating to eminent domain;

13 The real property or interests in real property, which the
14 Department of Transportation is by this resolution authorized to
15 acquire, is situated in the County of Los Angeles, State of
16 California, Highway 07-LA-5 and described as follows:



RESOLUTION OF NECESSITY DESCRIPTION

Parcel 77657-1

For freeway purposes that portion of Lot 38 of Tract No. 18621, in the City of Norwalk, County of Los Angeles, State of California, shown on map recorded in Book 477, page(s) 19 and 20 inclusive, of Maps, in the Office of the Registrar-Recorder/ County Clerk of said county, lying easterly of a line herein referred to as "Line A" lying westerly 24.00 feet of the following described line:

COMMENCING at the centerline intersection of Jersey Avenue being 60.00 feet wide with the southerly line of Dune Street being 42.00 feet wide as shown on Tract Map No. 18621, as recorded in Book 477, pages 19 to 21 inclusive in the office of the County Recorder of said county; Thence along the centerline of Jersey Avenue, N.00°01'43"W., 12.00 feet to the centerline of Dune Street now 60.00 feet wide; Thence S.89°55'07"E. along said centerline a distance of 769.70 feet to the BEGINNING OF DESCRIBED LINE; Thence N. 30°24'15"W., 2,064.31 feet to a point on the centerline of Thomas Court (formerly known as Esther Place) being 50.00 feet wide on Tract No. 25090, as shown on map recorded in Book 765, page(s) 68 and 69 of Maps, in the Office of the County Recorder of said county, said point being Easterly 57.11 feet from the centerline intersection of Thomas Court, and Dollison Drive having a bearing of N.00°03'54"W. as shown on said Tract No. 25090, and END OF DESCRIBED LINE.

Lands abutting said freeway shall have no right or easement of access thereto; provided, however, that part of the remaining lands of said parcel shall abut upon and have access to an adjoining frontage road which will be connected to the main thoroughfare of the freeway only at such points as may be established by public authority.

Parcel 77657-2

For freeway purposes, an aerial-utility easement over that portion of Lot 38 of Tract No. 18621, in the City of Norwalk, County of Los Angeles, State of California, shown on map recorded in Book 477, page(s) 19 and 20 inclusive, of Maps, in the Office of the Registrar-Recorder/ County Clerk of said county, described as follows:

A 1.50 foot wide strip of land, the easterly line of said strip being coincident with said "Line A" as described above in Parcel 77657-1.

Parcel 77657-3

For freeway purposes, a temporary construction easement over that portion of Lot 38 of Tract No. 18621, in the City of Norwalk, County of Los Angeles, State of California, shown on map recorded in Book 477, page(s) 19 and 20 inclusive, of Maps, in the Office of the Registrar-Recorder/ County Clerk of said county, described as follows:

A 5.00 foot wide strip of land, the easterly line of said strip being coincident with said "Line A" as described above in Parcel 77657-1.

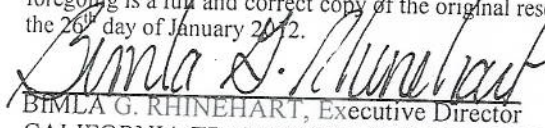
The above-described parcel of land is to be used for temporary construction purposes and with the purpose of removing existing improvements in connection with the construction of a Route 05 freeway project designated 07-LA-05-PM 5.50 on maps in the office of the Department of Transportation, State of California at Los Angeles, California and the rights to be acquired therein shall cease and terminate not later than December 1, 2014.

The bearings of distances in the herein above described lines are on the California Coordinate System of 1983, Zone 5. Divide by a combination factor of 1.00000247 to obtain ground level distances.

Parcel 77657-01-01

As excess that portion of Lot 38 of Tract No. 18621, in the City of Norwalk, County of Los Angeles, State of California, shown on map recorded in Book 477, page(s) 19 and 20 inclusive, of Maps, in the Office of the Registrar-Recorder/ County Clerk of said county, lying westerly of that line referred to as "Line A" as described above in Parcel 77657-1.

THIS IS TO CERTIFY that the foregoing resolution was duly passed by the California Transportation Commission at its meeting regularly called and held on the 25th day of January, in the City of Sacramento and that the foregoing is a full and correct copy of the original resolution. Dated this the 26th day of January 2012.


BIMLA G. RHINEHART, Executive Director

CALIFORNIA TRANSPORTATION COMMISSION

EXHIBIT C

1 Beals, Cohen Harrel, Quan, Montoya, Braham,
2 Dadaian
3 Alexander Prieto, Esq.
4 100 South Main Street, Suite 1300
5 Los Angeles, California 90012-3702
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Hearing Date: October 10, 2012 at 10:00 a.m.
Objection Deadline: September 26, 2012

8 Attorneys for the People of the State of California,
9 by and through its Department of Transportation

10
11 **UNITED STATES BANKRUPTCY COURT**
12 **SOUTHERN DISTRICT OF NEW YORK**

13 In re:

Chapter 11

14 RESIDENTIAL CAPITAL, LLC, *et al.*,

Case No. 12-12020 (MG)

15 Debtors.

(Jointly Administered)

Case No. 12-12028

Case No. 12-12032

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20 **AFFIRMATION OF ANDREW T. NIERENBERG IN SUPPORT OF GRANTING RELIEF**
21 **FROM THE AUTOMATIC STAY PURSUANT TO BANKRUPTCY RULE 4001 AND 11**
22 **U.S.C. SECTION 362(d)**

23 I, Andrew P. Nierenberg, affirm the following as true under penalty of perjury:

24 1. Except where otherwise specifically indicated, I have personal knowledge of each of
25 the facts set forth in this declaration and, if called as a witness, I could and would testify to those
26 facts.

27 2. I am the Deputy District Director, Division of Right of Way, for District 7 of the California
28 Department of Transportation ("Caltrans"). In this position, I am responsible for the development and

1 implementation of policies in the Right of Way offices of Appraisal, Acquisition, Relocation Assistance,
2 Property Services, Clearance and Demolition and Utilities Relocation. One of my primary responsibilities is
3 obtaining timely possession of properties that are required for freeway and highway projects that are managed
4 by District 7 of Caltrans. District 7 encompasses all of Los Angeles and Ventura Counties.

5 3. As set forth in the accompanying Declaration of William H. Reagan, Caltrans is
6 currently engaged in a project to widen a certain portion of the Interstate 5 Freeway ("Project"). In
7 order to build the Project, it is necessary for Caltrans to obtain pre-trial possession of, and ultimately
8 acquire Parcels 77657-1, 76657-2, 77657-3 and 77657-07-01 ("Subject Property"), which are
9 described in the complaint Caltrans has filed in this action. The Subject Property consists of
10 residential zoned property, and is located at 11835 Dollison Drive, Norwalk, California 90650.

11 4. The Subject Property is situated within the required right-of-way for the Project and is
12 one of many properties that Caltrans must obtain possession of, and ultimately acquire, in order to
13 build the Project. I have the responsibility of ensuring that Caltrans obtains timely possession of all
14 property necessary to build the Project so that the Project can be advertised for bids, a construction
15 contract can be awarded and construction can begin on October 29, 2012, as scheduled.

16 5. In order for the Project to be advertised for bids, Caltrans must provide a high level of
17 certainty to the California Transportation Commission ("CTC") that on the date construction is to
18 start, Caltrans will be able to deliver to the contractor possession of all the property needed for the
19 Project. To provide that high level of certainty, Caltrans must obtain actual possession of each of the
20 properties or an order from the court for the remaining properties allowing Caltrans to take actual
21 possession of these properties on or prior to the date construction is to start. In most cases, actual
22 possession must be secured prior to the date construction is to start because there is demolition work
23 that must be done and/or utilities which must be relocated.

24 6. The Project will be built with funds from the Corridor Mobility Improvement
25 Account (CMIA). This account contains funds raised from Proposition 1B, which was passed by the
26 public on November 7, 2006. The CTC manages and allocates funds from this account. The
27 language of Proposition 1B mandates that any CMIA funded project must commence construction
28 no later than December 31, 2012. If construction does not begin prior to December 31, 2012, the

1 CTC will reassign funding to another project. Caltrans has scheduled to start construction on the
2 Project on October 29, 2012, for two reasons: (1) for the contract to be awarded and the funds to be
3 committed within six months of April 25, 2012, the date the Project was funded; and (2) to ensure
4 that construction begins prior to December 31, 2012, per the statutory language of Proposition 1B.
5 Because of the short time frame before the start of construction, the Federal Highway Administration
6 ("FHWA") authorized Caltrans to advertise the Project and open bids prior to obtaining actual or
7 legal possession for all properties required for the Project. Caltrans was authorized to do this by the
8 FHWA, subject to placing those properties for which possession had not been obtained on "work
9 around" status. "Work around" status means that the contractor can begin work on October 29,
10 2012, as scheduled, but it will have to "work around" those properties for which possession is yet to
11 be obtained. The Subject Property is one of those properties that have been placed on "work around"
12 status.

13 7. By placing properties for which possession is yet to be obtained on "work around"
14 status, Caltrans was authorized to advertise the Project on May 29, 2012, and was able to open bids
15 on August 9, 2012. However, having properties for which possession is yet to be obtained in the
16 midst of ongoing project construction will create many risks and problems for the property owners
17 and for Caltrans. For example, for the property owners, their properties will be left isolated within
18 the construction zone, and for Caltrans, it will create the risk that the contractor's work will be
19 delayed and that Caltrans will incur substantial delay damages. For this reason, possession of the
20 Subject Property is required urgently, on the earliest possible date allowed by law. Caltrans needs
21 possession of the Subject Property no later than November 18, 2012, or 30 days after service of the
22 Order for Possession, whichever is later, in order for demolition work to be completed and/or
23 utilities to be relocated, in a timely manner, for construction to proceed as scheduled.

24 8. If Caltrans does not obtain legal possession of the Subject Property as soon as the law
25 provides, there will be insufficient time to complete demolition of improvements and/or relocation of
26 utilities and this will likely delay construction and may possibly jeopardize funding for the Project.
27 This would in turn create severe problems for the motoring public.

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